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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,672	08/03/2001	Joanna Margaret Clarke	7408	6625

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EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,672

Applicant(s)

CLARKE ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

Applicant has not claimed priority under 35 U.S.C. 119(e) to Provisional Application No. 60/119,044, filed February 8, 1999, in the first sentence of the specification. It is suggested that Applicant add this as the first sentence of the specification.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

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4. The use of the trademarks "Dowanol", "Arcosolv", etc. (see page 9, lines 27-28) have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

5. Claims 1-10 are objected to because of the following informalities:

In instant claim 1, the term "isobutyl" should be amended to recite "isobutyl" for grammatical purposes.

Instant claims 2-10 are objected to for being dependent upon claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. The structure of the diol in instant claim 1 renders the claim vague and indefinite, since the valency of the left most carbon atom is not satisfied. Specifically, the left most carbon atoms only contains three bonds (i.e. to a hydroxyl group, to a hydrogen atom, and to the polymeric central carbon). Therefore, it is unclear what the fourth bond of the carbon atom is attached to. For examination purposes, the examiner will treat the missing carbon bond as being a carbon-hydrogen or carbon-alkyl bond. Appropriate correction and/or clarification is required.

9. Claim 8 contains the trademark/trade names "Termamyl" and "Phadebas". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade names are used to identify/describe products and, accordingly, the identification/descriptions are indefinite. Appropriate correction and/or clarification is required.

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10. The phrase “with a liquid dishwashing detergent composition prepared according to claim 1” in lines 3-4 of claim 9 renders the claim indefinite, since there aren’t any process steps recited in claim 1. The examiner suggests that the phrase “with a liquid dishwashing detergent composition prepared according to claim 1” should be amended to recite “with a liquid dishwashing detergent composition according to claim 1” for clarification purposes. Appropriate correction and/or clarification is required.

11. Instant claims 2-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem (i.e. claims 1 and 9).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasturi et al, U.S. Patent No. 6,207,631.

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Kasturi et al, U.S. Patent No. 6,207,631, discloses a composition for the hand washing of dishes (see col. 1, lines 14-18) comprising a homopolymer of (N,N-dialkylamino) alkyl acrylate (see col. 2, lines 6-49 and col. 4, lines 1-34), an anionic surfactant (see col. 8, line 53-col. 9, line 53), amphoteric surfactants (see col. 9, line 54-coll. 12, line 67), 0.1-15% by weight of one or more diamines having both a pK1 and pK2 in the range of 8-11.5 (see col. 13, lines 1-56), and a carrier component, such as propanediol and ethylene glycol (see col. 23, lines 7-19), per the requirements of instant claims 1-10. Specifically, note Example 11, which discloses a composition for the manual washing of dishes, comprising 25% by weight of an alkyl sulphate (i.e. an anionic surfactant), 7% by weight of an amine oxide (i.e. an amphoteric surfactant), 7.0% by weight of a diamine, 0.9% by weight of 2-dimethylaminoethyl methacrylate/dimethylacrylamide copolymer, and adjunct ingredients, at a pH of 10. Also, note Example 14, which discloses a similar dishwashing composition to Example 11, which further contains an alpha-amylase. Although Kasturi et al generally discloses a dishwashing detergent composition comprising a carrier component, such as propanediol and ethylene glycol, the reference does not require such a dishwashing composition containing this component with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a dishwashing composition, as taught by Kasturi et al, which contained a carrier component, such as propanediol and ethylene glycol, because such dishwashing compositions fall within the scope of those taught by Kasturi

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et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a dishwashing composition containing a carrier component, such as propanediol and ethylene glycol, is expressly suggested by the Kasturi et al disclosure and therefore is an obvious formulation.

14. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al, U.S. Patent No. 6,069,122.

Vinson et al, U.S. Patent No. 6,069,122, discloses a dishwashing detergent composition comprising a diamine having both a pK1 and pK2 in the range of 8-11.5 (see col. 5, lines 60-67), anionic surfactants (see col. 7, lines 40-51), amphoteric surfactants (see col. 12, lines 61-67), 0.1-7% by weight of a polymeric material, such as a polypropylene glycol having a molecular weight between 500 to 100,000 (see col. 22, lines 56-63), and a carrier, such as propanediol and ethylene glycol (see col. 27, lines 30-38), per the requirements of instant claims 1-6 and 9-10. Specifically, note Example 1B, which discloses a liquid dishwashing composition for the manual washing of dishes, comprising 28% by weight of an alkyl sulphate (i.e. an anionic surfactant), 3% by weight of an amine oxide (i.e. an amphoteric surfactant), 5.0% by weight of a diamine, and adjunct ingredients, at a pH of 10. Although Vinson et al generally discloses a dishwashing detergent composition comprising a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, the reference does not require such a dishwashing composition containing these components with sufficient specificity to constitute anticipation.



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It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a dishwashing composition, as taught by Vinson et al, which contained a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, because such dishwashing compositions fall within the scope of those taught by Vinson et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a dishwashing composition containing a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, is expressly suggested by the Vinson et al disclosure and therefore is an obvious formulation.

15. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al, U.S. Patent No. 5,990,065.

Vinson et al, U.S. Patent No. 5,990,065, discloses a dishwashing detergent composition comprising a diamine having both a pK1 and pK2 in the range of 8-11.5 (see col. 4, lines 59-67), anionic surfactants (see col. 6, lines 27-37), amphoteric surfactants (see col. 11, lines 46-59), 0.1-7% by weight of a polymeric material, such as a polypropylene glycol having a molecular weight between 500 to 100,000 (see col. 20, line 51-col. 21, line 46), and a carrier, such as propanediol and ethylene glycol (see col. 25, lines 34-43), per the requirements of instant claims 1-6 and 9-10. Specifically, note Example 1B, which discloses a liquid dishwashing composition for the manual washing of dishes, comprising 28% by weight of an alkyl sulphate (i.e. an anionic surfactant), 3%

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by weight of an amine oxide (i.e. an amphoteric surfactant), 5.0% by weight of a diamine, and adjunct ingredients, at a pH of 10. Although Vinson et al generally discloses a dishwashing detergent composition comprising a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, the reference does not require such a dishwashing composition containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a dishwashing composition, as taught by Vinson et al, which contained a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, because such dishwashing compositions fall within the scope of those taught by Vinson et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a dishwashing composition containing a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, is expressly suggested by the Vinson et al disclosure and therefore is an obvious formulation.

16. Claims 1-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ofosu-Asante et al, WO 98/28393.

Ofosu-Asante et al, WO 98/28393, discloses a dishwashing detergent composition comprising a diamine having both a pK1 and pK2 in the range of 8-11.5 (see page 7, lines 23-31), anionic surfactants (see page 9, lines 17-24), amphoteric

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surfactants (see page 16, lines 18-30), 0.1-7% by weight of a polymeric material, such as a polypropylene glycol having a molecular weight between 500 to 100,000 (see page 28, line 27-page 29, line 34), and a carrier, such as propanediol and ethylene glycol (see page 35, line 34-page 36, line 3), per the requirements of instant claims 1-6 and 9-10. Specifically, note Example 1B, which discloses a liquid dishwashing composition for the manual washing of dishes, comprising 28% by weight of an alkyl sulphate (i.e. an anionic surfactant), 3% by weight of an amine oxide (i.e. an amphoteric surfactant), 5.0% by weight of a diamine, and adjunct ingredients, at a pH of 10. Although Ofosu-Asante et al generally discloses a dishwashing detergent composition comprising a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, the reference does not require such a dishwashing composition containing these components with sufficient specificity to constitute anticipation.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have formulated a dishwashing composition, as taught by Ofosu-Asante et al, which contained a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene glycol, because such dishwashing compositions fall within the scope of those taught by Ofosu-Asante et al. Therefore, one of ordinary skill in the art would have had a reasonable expectation of success, because such a dishwashing composition containing a carrier component, such as propanediol and ethylene glycol, and a polymeric material, such as polypropylene

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glycol, is expressly suggested by the Ofosu-Asante et al disclosure and therefore is an obvious formulation.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

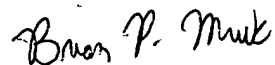
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BM

Brian Mruk  
March 20, 2003



Brian P. Mruk  
Patent Examiner  
Tech Center 1700